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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/696,942
Filing Date: October 30, 2003
Appellant(s): WHITE ET AL.

Mr. Terrile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/5/2008 appealing from the Office action mailed 8/17/2007.

(1) Real Party in Interest

The real party in interest is Dell Products L. P..

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030130899	Ferguson et al.	1-2002
20040243998	Collins et al.	5-2003
20030158795	Markham et al.	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9, 16, 17 and 24 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Ferguson**) being clearly anticipated by Ferguson et al., U.S. Patent Publication 20030130899.

Claim 1

Ferguson anticipates identifying excursions to a general solution on a system model basis (**Ferguson,** ¶0154; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result.); saving the excursions within the

solution network on a system model basis (**Ferguson,** ¶0188; 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network.); and when accessing the solution network, searching the solution network to determine whether an excursion solution exists, and (**Ferguson,** ¶0217 and ¶0218; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson.) presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists.(**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson.)

Claim 9

Ferguson anticipates means for identifying excursions to a general solution on a system model basis (**Ferguson,** ¶0154; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result.); means for saving the excursions within the solution network on a system model basis(**Ferguson,** ¶0188, ¶0154, abstract; 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network. 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson.); and, means for searching the solution network to determine whether an excursion solution exists when accessing the solution network,

and (**Ferguson,** ¶0217 and ¶0218; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson.) means for presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists. (**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson.)

Claim 17

Ferguson anticipates a knowledge repository, the knowledge repository storing information regarding general solutions to issues, the knowledge repository storing information relating to excursions to general solutions, the excursions being searchable on a system model basis (**Ferguson,** ¶0154, abstract ; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. 'Knowledge repository … regarding general solutions to issues' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. 'Being searchable' of applicant is demonstrated by being able to 'search the historical database' of Ferguson.); an excursion identifying module, the excursion identifying module identifying excursions to the general solutions on a system model basis (**Ferguson,** ¶0154; 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson.); a search module, the search module searching the solution network to

determine whether an excursion solution exists when accessing the solution network; and (**Ferguson,** ¶0217, ¶0218 and Figure 10, ¶0154, abstract; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. 'Search module' of applicant is equivalent to 'Postprocess Results' (68) in Fig. 10 of Ferguson. 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson.) a presenting module, the presenting module presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists. (**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. The 'presenting module' of applicant is the code which generates 'outputs' of Ferguson.)

Claims 8, 16 and 24.

Ferguson anticipates the system includes an information handling system. (**Ferguson,** ¶0105; 'Information handling system' of applicant is equivalent to 'computer system' of Ferguson.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

Claims 2, 3, 4, 10, 11, 12, 18, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, as set forth above, and further in view of Collins. (U. S. Patent Publication 20040243998, referred to as **Collins**)

Claims 2, 10 and 18.

Ferguson does not teach the excursions are identifiable based upon a unique system identifier.

Collins teaches the excursions are identifiable based upon a unique system identifier. (**Collins,** ¶0022; 'Excursions' and 'unique system identifier' of applicant is equivalent to 'corrupted' and 'unique identifier' of Collins.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using a particular identifier as taught by Collins to have teaches the excursions are identifiable based upon a unique system identifier.

For the purpose of narrowing the scope of search to a given system.

Claims 3, 11 and 19.

Ferguson does not teach the unique system identifier is a service tag.

Collins teaches the unique system identifier is a service tag. (**Collins,** ¶0022) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using a service tag within the unique system field to focus in on a solution as taught by Collins to have the unique system identifier is a service tag.

For the purpose of setting forth the proper configuration of a particular unique system.

Claims 4, 12 and 20.

Ferguson does not teach storing the excursion exception within the solution network based upon a part identifier.

Collins teaches storing the excursion exception within the solution network based upon a part identifier. (**Collins,** ¶0022; 'Part identifier' of applicant is equivalent to 'express service code' of Collins. Collins states that corrupted software (excursion) is linked (identifiable) to an express service code. (part identifier)) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by linking the solution to the current situation characteristics as taught by Collins to store the excursion exception within the solution network based upon a part identifier.

For the purpose of obtaining a correct solution for a given excursion.

Claim Rejections - 35 USC § 103

Claims 5, 6, 7, 13, 14, 15, 21, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, as set forth above, and further in view of Markham. (U. S. Patent Publication 20030158795, referred to as **Markham**)

Claims 5, 13 and 21.

Ferguson does not teach storing the excursion exception within the solution network based upon a system model identifier.

Markham teaches storing the excursion exception (**Markham,** ¶0008; 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.) within the solution network (**Markham,** ¶0043; 'Solution' of applicant is equivalent to 'maintenance' of Markham.) based upon a system model identifier (**Markham,** ¶0081; 'System model identifier' of applicant is equivalent to 'vendor' of Markham.)

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by having routine maintenance required based on vendor type as taught by Markham to store the excursion exception within the solution network based upon a system model identifier.

For the purpose of using vendor type as an input parameter for maintenance schedule.

Claims 6, 14 and 22.

Ferguson does not teach storing the excursion exception within the solution network based upon a system manufacture date.

Markham teaches storing the excursion exception (**Markham,** ¶0008; 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.) within the solution network (**Markham,** ¶0043; 'Solution network' of applicant is equivalent to 'maintenance' of Markham.) based upon a system manufacture date. (**Markham,** ¶0081; 'System manufacture date' of applicant is equivalent to 'manufacture date' of Markham.)It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using manufacturing date as a input parameter routine maintenance as taught by Markham to store the excursion exception within the solution network based upon a system manufacture date.

For the purpose of keeping track of possible poor manufacturing from outside vendors within a given time period.

Claims 7, 15 and 23.

Ferguson does not teach searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions.

Markham teaches searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an

excursion solution exists being performed before searching to solution network for general solutions. (**Markham,** ¶0049; 'Solution network for general solutions' of applicant is equivalent to Markham being integrated to outside systems for solutions.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by having another source for possible solutions as taught by Markham to search the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions.

For the purpose of having access to a possible solution when none could be found when using the excursion solution system.

(10) Response to Argument

Applicant argues. 'However, nowhere within this portion of Ferguson, or anywhere else within Ferguson, is there any disclosure or suggestion of storing and searching excursions on a system model basis as disclosed and claimed. As set forth within the present application, "system model basis" is a basis where information is stored based upon a system model. Merely stating that a "neural network" as disclosed by Ferguson is equivalent to a system model basis is insufficient to overcome the Examiner's obligation to establish a prima facie case.'

Examiner's response. A neural network is a structure of either physical composition, or mathematical in nature. It is composed of node. These nodes are

grouped into a three groups. The first is an input layer of nodes. The second group is one or more hidden later of nodes. A third layer is an output layer of nodes. A function of a neural network is that of a classifier. In regards to a neural network, a 'classifier' can have very broad meanings. A classifier can be easily be constructed as a 'system model.'

There are multiple arrangements on how a neural network can be designed. In general every input layer node is connected to every hidden layer node. Every hidden layer node is connected to every output layer node. There is a weight (a numerical value) associated with each connection between the nodes. An untrained neural network has these weights randomly distributed. During the training of the neural network, these weights are altered such a desired output is produced with a given input. Or in other words, 'identifying excursions' is equivalent to training. Saving the weights of the training is equivalent to 'storing.' Using the neural network would be equivalent to 'searching excursions' since it was designed to produce an output.

Applicant argues. More specifically, Ferguson, taken alone or in combination, does not teach or suggest a method for identifying excursions to general solutions provided by a solution network where the method includes identifying excursions to a general solution on a system model basis', saving the excursions within the solution network on a system model basis', and when accessing the solution network, searching the solution network to determine whether an excursion solution exists, and presenting support knowledge to a customer based upon the accessing where the support

knowledge includes the excursion solution if the excursion solution exists, all as required by claim 1. Accordingly, claim 1 is allowable over Ferguson. Claims 2 - 8 depend from claim 1 and are allowable for at least this reason.

Examiner's response. 'Identifying excursions', 'system model basis' and 'saving' have been addressed above. 'Solution network' of applicant disclosed as the actual neural network of Ferguson. 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. It is inherent when 'an excursion solution exists' by the production of an answer. It is not required that a trained neural network produce an answer. Thus no answer means no 'excursion solution exists.' 'Solution network' of applicant is disclosed by a 'neural network' of Ferguson.

Applicant argues. Ferguson, taken alone or in combination, does not teach or suggest an apparatus for identifying excursions to general solutions provided by a solution network where the apparatus includes means for identifying excursions to a general solution on a system model basis', means for saving the excursions within the solution network on a system model basis', means for searching the solution network to determine whether an excursion solution exists when accessing the solution network and means for presenting support knowledge to a customer based upon the accessing where the support knowledge includes the excursion solution if the excursion solution

exists, all as required by claim 9. Accordingly, claim 9 is allowable over Ferguson. Claims 10 - 16 depend from claim 9 and are allowable for at least this reason.

Examiner's response. 'Identifying excursions', 'system model basis', 'saving'. 'Solution network', 'Presenting support knowledge to a customer' 'an excursion solution exists' and 'Solution network' have been addressed above.

Applicant argues. Ferguson, taken alone or in combination, does not teach or suggest a solution network which includes, a knowledge repository, a presenting module, and an excursion identifying module where the knowledge repository stores information regarding general solutions relating to issues and information relating to excursions to general solutions and the excursions are searchable on a system model basis', where the excursion identifying module identifies excursions to the general solutions on a system basis" and the search module searches the solution network to determine whether an excursion solution exists when accessing the solution network, and where the presenting module presents support knowledge to a customer based upon the accessing where the support knowledge includes the excursion solution if the excursion solution exists, all as required by claim 17. Accordingly, claim 17 is allowable over Ferguson. Claims 18 - 24 depend from claim 17 and are allowable for at least this reason.

Examiner's response. 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. 'Knowledge repository ... regarding general solutions to

issues' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. 'Being searchable' of applicant is demonstrated by being able to 'search the historical database' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. 'Search module' of applicant is equivalent to 'Postprocess Results' (68) in Fig. 10 of Ferguson. 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. The 'presenting module' of applicant is the code which generates 'outputs' of Ferguson.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Peter Coughlan/

Examiner, Art Unit 2129

7/22/2008

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